



General Assembly

February Session, 2002

Raised Bill No. 428

LCO No. 1971

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING MINOR REVISIONS TO THE
ENVIRONMENTAL PROTECTION STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 22a-478 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

4 (c) The funding of an eligible water quality project shall be pursuant
5 to a project funding agreement between the state, acting by and
6 through the commissioner, and the municipality undertaking such
7 project and shall be evidenced by a project fund obligation or grant
8 account loan obligation, or both, or an interim funding obligation of
9 such municipality issued in accordance with section 22a-479. A project
10 funding agreement shall be in a form prescribed by the commissioner.
11 A nonpoint source pollution abatement project shall receive a project
12 grant of seventy-five per cent of the cost of the project determined to
13 be eligible by the commissioner. A combined sewer project shall
14 receive (1) a project grant of fifty per cent of the cost of the project,
15 which cost shall be the cost the federal Environmental Protection
16 Agency uses in making grants pursuant to Part 35 of the federal

17 Construction Grant Regulations and Titles II and VI of the federal
 18 Water Pollution Control Act, as amended; and (2) a loan for the
 19 remainder of the costs of the project, not exceeding one hundred per
 20 cent of the eligible water quality project costs. A construction contract
 21 eligible for financing awarded by a municipality on or after July 1,
 22 1999, as a project undertaken for nitrogen removal shall receive a
 23 project grant of thirty per cent of the cost of the project associated with
 24 nitrogen removal and a loan for the remainder of the costs of the
 25 project, not exceeding one hundred per cent of the eligible water
 26 quality project costs. Nitrogen removal projects under design or
 27 construction on July 1, 1999, and projects that have been constructed
 28 but have not received permanent, clean water fund financing, on July
 29 1, 1999, shall be eligible to receive a thirty per cent grant. A
 30 municipality having a population of not more than _____ with a
 31 water pollution control project, the construction of which began on or
 32 after July 1, 2002, shall be eligible to receive a grant in the amount of
 33 twenty-five per cent of eligible project costs for such projects. Any
 34 other eligible water quality project shall receive (A) a project grant of
 35 twenty per cent of the cost, which cost shall be the cost the federal
 36 Environmental Protection Agency uses for grants pursuant to said Part
 37 35 and said Titles II and VI, and (B) a loan for the remainder of the
 38 costs of the project, not exceeding one hundred per cent of the eligible
 39 project cost. Project agreements to fund eligible project costs with
 40 grants or loans from the Clean Water Fund that were executed during
 41 or after the fiscal year beginning July 1, 2002, shall not be reduced by
 42 the provisions of subdivision (1) of subsection (h) of section 22a-482-3
 43 of the Regulations of Connecticut State Agencies or by 40 CFR 35.2123,
 44 Subpart I. On or after fiscal year 2007, all eligible water quality projects
 45 eligible for funding shall receive a loan of one hundred per cent of the
 46 eligible costs and shall not receive a project grant. All loans made in
 47 accordance with the provisions of this section for an eligible water
 48 quality project shall bear an interest rate of two per cent per annum.
 49 The commissioner may allow any project fund obligation, grant
 50 account loan obligation or interim funding obligation for an eligible

51 water quality project to be repaid by a borrowing municipality prior to
52 maturity without penalty.

53 Sec. 2. Subsection (e) of section 22a-478 of the general statutes is
54 repealed and the following is substituted in lieu thereof (*Effective July*
55 *1, 2002*):

56 (e) (1) The commissioner may make a project grant or a grant
57 account loan or both to a municipality pursuant to a project funding
58 agreement for the planning and design phase of an eligible water
59 quality project. Principal and interest on a grant account loan for the
60 planning and design phases of an eligible water quality project may be
61 paid from and included in the principal amount of a loan for the
62 construction phase of an eligible water quality project.

63 (2) In lieu of a grant and loan pursuant to subsection (b) of this
64 section, the commissioner, upon written request by a municipality,
65 may make a project grant to such municipality in the amount of fifty-
66 five per cent of the cost approved by the commissioner for the
67 planning phase of an eligible water quality project.

68 (3) Notwithstanding subsection (b) of this section, a distressed
69 municipality, as defined in section 32-9j, may receive a combination of
70 state, federal and other grants in an amount not to exceed one hundred
71 per cent of the cost approved by the commissioner for the planning
72 phase of an eligible water quality project for nitrogen removal.

73 (4) Notwithstanding subsection (b) of this section, a distressed
74 municipality, as defined in section 32-9j, may receive a combination of
75 state, federal and other grants in an amount not to exceed fifty per cent
76 of the cost approved by the commissioner for the design and
77 construction phase of an eligible water quality project for nitrogen
78 removal.

79 Sec. 3. Subsection (b) of section 22a-133m of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective July*

81 1, 2002):

82 (b) The Commissioner of Economic and Community Development,
 83 in consultation with the Commissioner of Environmental Protection,
 84 shall establish the priority of sites for evaluation and remediation
 85 based upon the following factors: (1) The estimated cost of evaluating
 86 and remediating the site, if known; (2) the anticipated complexity of an
 87 evaluation of the site; (3) the estimated schedule for completing an
 88 evaluation; (4) the potential economic development benefits of the site
 89 to the state of Connecticut; and (5) any other factors which the
 90 commissioners deem relevant. No real property shall be eligible for
 91 evaluation or remediation under this section unless [:(A) The] the
 92 Commissioner of Economic and Community Development finds that
 93 the state owns the site or otherwise has or obtains the power to
 94 approve the type of development which first occurs on the site after
 95 remediation. [; and (B) the Commissioner of Environmental Protection
 96 is unable to determine the responsible party for the pollution or the
 97 cleanup of the site, or the responsible party is not in timely compliance
 98 with orders issued by the commissioner to provide remedial action, or
 99 the commissioner has not issued a final decision on an order to a
 100 responsible party to provide remedial action because of (i) a request
 101 for a hearing on an order, or (ii) an order issued is subject to an appeal
 102 pending before a court.] Except for any site proposed for acquisition
 103 under subsection (e) of this section, no real property shall be eligible
 104 for evaluation or remediation under this section unless the site is
 105 located in a distressed municipality, as defined in section 32-9p, or a
 106 targeted investment community, as defined in section 32-222, as
 107 amended. For purposes of this section, "responsible party" means any
 108 person, as defined in section 22a-2, who created a source of pollution
 109 on the site or an owner of the site during the investigation or
 110 remediation funded pursuant to this section.

111 Sec. 4. Subsection (h) of section 22a-133m of the general statutes is
 112 repealed and the following is substituted in lieu thereof (*Effective July*
 113 *1, 2002*):

114 (h) The Commissioner of Environmental Protection and the
 115 Commissioner of Economic and Community Development shall jointly
 116 identify urban community sites known to have, or suspected to have,
 117 environmental contamination which, if remediated and developed,
 118 will improve the urban environment. The Commissioner of
 119 Environmental Protection and the Commissioner of Economic and
 120 Community Development shall jointly establish the priority of such
 121 sites for evaluation and remediation based upon the following factors:
 122 (1) The potential benefits of remediation to the environment; (2) the
 123 estimated cost of evaluating and remediating the site, if known; (3) the
 124 potential benefits to the local community of such site; (4) community
 125 support for remediation and redevelopment of such site; (5) the
 126 commitment from investors or the municipality to redevelop the site;
 127 and (6) any other factors which the commissioners deem relevant. No
 128 real property shall be eligible for evaluation and remediation under
 129 this subsection unless: [(A) The Commissioner of Environmental
 130 Protection is unable to determine the responsible party, or the
 131 responsible party is not in timely compliance with orders issued by the
 132 commissioner to provide remedial action, or the commissioner has not
 133 issued a final decision on an order to a responsible party to provide
 134 remedial action because of a request for a hearing on an order or an
 135 issued order is subject to an appeal pending before a court; (B)] (A) the
 136 site is located in a distressed municipality, as defined in section 32-9p,
 137 a targeted investment community, as defined in section 32-222, as
 138 amended, or an enterprise corridor zone, as defined in section 32-80, or
 139 in such other municipality as the Commissioner of Economic and
 140 Community Development may designate; and [(C)] (B) the site is not
 141 undergoing evaluation or remediation under subsections (a) to (g),
 142 inclusive, of this section.

143 Sec. 5. (*Effective July 1, 2002*) The Commissioner of Environmental
 144 Protection shall have the authority to establish and collect fees for
 145 parking, admission and other uses for a period of not more than one
 146 year after the effective date of this act for properties or facilities
 147 acquired by the Department of Environmental Protection on or after

148 July 1, 2001, that are designated as a state park, forest or state
149 recreational facility. The department shall adopt regulations, in
150 accordance with chapter 54 of the general statutes, to establish fees and
151 collection practices at such properties or facilities.

152 Sec. 6. Section 26-30 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2002*):

154 (a) Resident licenses to firearms hunt, archery hunt, trap or fish, or
155 the combination thereof, shall be issued only to qualified applicants
156 therefor by the Commissioner of Environmental Protection, the town
157 clerk of any town, an agent of such town clerk deputized pursuant to
158 subsection (f) of this section or an agent of the [Commissioner of
159 Environmental Protection] commissioner licensed pursuant to
160 subsection (g) of this section. Such licenses shall be issued in such form
161 as the commissioner shall prescribe.

162 (b) Nonresident licenses shall be issued by the commissioner, any
163 town clerk, an agent of such town clerk or an agent of the
164 commissioner, except that nonresident trapping licenses shall be
165 issued by the commissioner.

166 (c) Applications shall be made on forms furnished by the
167 commissioner, containing such information as the commissioner may
168 require, and any such application forms shall have printed thereon, "I
169 declare under the penalties of false statement that the statements
170 herein made by me are true and correct." Any person who makes any
171 material false statement on such application form shall be guilty of
172 false statement and shall be subject to the penalties provided for false
173 statement, and said offense shall be deemed to have been committed in
174 the town in which such application is presented or received for
175 processing.

176 (d) No application shall contain any material false statement.

177 (e) The commissioner, town clerk, an agent of such town clerk or an

178 agent of the commissioner shall, upon receipt of such application,
179 correctly filled out and accompanied by the required fee, issue to such
180 applicant the appropriate license. If such application is by mail, the
181 town clerk shall mail such license to such applicant within five days
182 from the receipt of the application and proper fee.

183 (f) The town clerk of any town may deputize agents in such town to
184 issue firearms hunting, archery hunting, trapping and fishing licenses,
185 or the combination thereof, provided he shall be solely responsible for
186 compliance with the provisions of the statutes relating to the duties of
187 the town clerk in connection with such licenses and the moneys
188 received therefor.

189 (g) The [Commissioner of Environmental Protection] commissioner
190 may, upon application by persons on forms furnished by the
191 commissioner and containing such information as the commissioner
192 may require, license such persons as agents for the issuance of firearms
193 hunting, archery hunting, trapping and fishing licenses, or the
194 combination thereof. Upon the request of any agent licensed by the
195 commissioner, the town clerk of the town in which such agent
196 conducts business shall sell license forms to such agent at the regular
197 license cost minus twenty-five cents for such agent's fee. Not later than
198 the first Monday of each month, such agent shall remit to the town
199 clerk from whom the license forms were purchased any license forms
200 voided by such agent and two copies of all licenses sold by such agent
201 during the preceding month. Upon the request of an agent, the town
202 clerk shall reimburse such agent for any unused or voided license
203 forms remitted to such town clerk.

204 Sec. 7. Section 26-48a of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective July 1, 2002*):

206 (a) The [commissioner] Commissioner of Environmental Protection
207 may establish, by regulations adopted in accordance with the
208 provisions of chapter 54, standards for the management of salmon,
209 migratory game birds in accordance with section 26-92, pheasant and

210 turkey which shall include provision for the issuance of permits, tags
 211 or stamps. The commissioner may charge a fee for a permit, tag or
 212 stamp as follows: Not more than ten dollars for turkey; not more than
 213 two dollars for migratory game birds; not more than ten dollars for
 214 pheasant and not more than twenty dollars for salmon. No person
 215 shall be issued a permit, tag or stamp for migratory birds, pheasant or
 216 turkey without first obtaining a license to hunt and no person shall be
 217 issued a permit, tag or stamp for salmon without first obtaining a
 218 license to fish. Notwithstanding any provision of any regulation to the
 219 contrary, the commissioner may charge a fee of ten dollars for the
 220 issuance of a permit to hunt wild turkey on state-owned or private
 221 land during the fall season.

222 (b) Such permits, tags or stamps shall be issued to qualified
 223 applicants by the commissioner or any town clerk. Application for
 224 such permits, tags or stamps shall be on such form and require of the
 225 applicant such information as the commissioner may prescribe. The
 226 commissioner may adopt regulations in accordance with the
 227 provisions of chapter 54 authorizing a town clerk to retain part of any
 228 fee paid for a permit, tag or stamp issued by such town clerk pursuant
 229 to this section, provided the amount retained shall not be less than fifty
 230 cents.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>

Statement of Purpose:

To allow distressed municipalities to collect larger grants for water quality projects for nitrogen removal, to allow small municipalities to receive a grant for twenty-five per cent of the costs of a water pollution

control project, the construction of which began on or after July 1, 2002, to protect project agreements to fund eligible projects from the Clean Water Fund that were executed during fiscal year 2002, to remove certain requirements for eligibility for the urban sites remedial action program, to allow the Department of Environmental Protection to collect fees at properties acquired on or after July 1, 2001, and to allow the Commissioner of Environmental Protection to issue certain hunting licenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]